

## REFERENCES IN TEXT

The Housing Act of 1949, referred to in subsec. (c)(1)(A)(i), is act July 15, 1949, ch. 338, 63 Stat. 413, as amended, which is classified principally to chapter 8A (§1441 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables.

The Consolidated Farm and Rural Development Act, referred to in subsec. (c)(1)(A)(ii)(I), is title III of Pub. L. 87-128, Aug. 8, 1961, 75 Stat. 307, as amended, which is classified principally to chapter 50 (§1921 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1921 of this title and Tables.

The Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (c)(1)(A)(ii)(II), is Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359, as amended. Subtitle G of title XVI of the Act, known as the Alternative Agricultural Research and Commercialization Act of 1990, is classified generally to subchapter VI (§5901 et seq.) of chapter 88 of this title. Title XXIII of the Act [104 Stat. 3979] is known as the Rural Economic Development Act of 1990. For complete classification of the Food, Agriculture, Conservation, and Trade Act of 1990 to the Code, see Short Title of 1990 Amendments note set out under section 1421 of this title and Tables. For complete classification of the Rural Economic Development Act of 1990 to the Code, see Short Title of 1990 Amendment note set out under section 1921 of this title and Tables.

The Rural Development Act of 1971, referred to in subsec. (c)(1)(A)(ii)(III), probably means the Rural Development Act of 1972, which is Pub. L. 92-419, Aug. 30, 1972, 86 Stat. 657, as amended. Title V of the Act is title V of Pub. L. 92-419, as added by Pub. L. 97-98, title XIV, §1444(a), Dec. 22, 1981, 95 Stat. 1322, as amended, which is classified generally to subchapter II (§2661 et seq.) of chapter 59 of this title. For complete classification of this Act to the Code, see Tables.

This Act, referred to in subsec. (c)(1)(B), is Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 888, known as the Federal Agriculture Improvement and Reform Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 7201 of this title and Tables.

## **§ 2204g. Authority of Secretary of Agriculture to conduct census of agriculture**

### **(a) Census of agriculture required**

In 1998 and every fifth year thereafter, the Secretary of Agriculture shall take a census of agriculture.

### **(b) Methods**

In connection with the census, the Secretary may conduct any survey or other information collection, and employ any sampling or other statistical method, that the Secretary determines is appropriate.

### **(c) Year of information**

The information collected in each census taken under this section shall relate to the year immediately preceding the year in which the census is taken.

### **(d) Enforcement**

#### **(1) Fraud**

A person over 18 years of age who willfully gives an answer that is false to a question, which is authorized by the Secretary to be submitted to the person in connection with a census under this section, shall be fined not more than \$500.

### **(2) Refusal or neglect to answer questions**

A person over 18 years of age who refuses or willfully neglects to answer a question, which is authorized by the Secretary to be submitted to the person in connection with a census under this section, shall be fined not more than \$100.

### **(3) Social Security number**

The failure or refusal of a person to disclose the person's Social Security number in response to a request made in connection with any census or other activity under this section shall not be a violation under this subsection.

### **(4) Religious information**

Notwithstanding any other provision of this section, no person shall be compelled to disclose information relative to the religious beliefs of the person or to membership of the person in a religious body.

### **(e) Geographic coverage**

A census under this section shall include—

(1) each of the several States of the United States;

(2) as determined appropriate by the Secretary, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and Guam; and

(3) with the concurrence of the Secretary and the Secretary of State, any other possession or area over which the United States exercises jurisdiction, control, or sovereignty.

### **(f) Cooperation with Secretary of Commerce**

#### **(1) Information provided to Secretary of Agriculture**

On a written request by the Secretary of Agriculture, the Secretary of Commerce may provide to the Secretary of Agriculture any information collected under title 13 that the Secretary of Agriculture considers necessary for the taking of a census or survey under this section.

#### **(2) Information provided to Secretary of Commerce**

On a written request by the Secretary of Commerce, the Secretary of Agriculture may provide to the Secretary of Commerce any information collected in a census taken under this section that the Secretary of Commerce considers necessary for the taking of a census or survey under title 13.

#### **(3) Confidentiality**

Information obtained under this subsection may not be used for any purpose other than the statistical purposes for which the information is supplied. For purposes of sections 9 and 214 of title 13, any information provided under paragraph (2) shall be considered information furnished under the provisions of title 13.

### **(g) Regulations**

A regulation necessary to carry out this section may be promulgated by—

(1) the Secretary of Agriculture, to the extent that a matter under the jurisdiction of the Secretary is involved; and

(2) the Secretary of Commerce, to the extent that a matter under the jurisdiction of the Secretary of Commerce is involved.

(Pub. L. 105–113, § 2, Nov. 21, 1997, 111 Stat. 2274.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2276 of this title.

### § 2205. Duties of former Commissioner of Agriculture transferred to Secretary

The Secretary of Agriculture is authorized and directed to perform all the duties named in all Acts of Congress in force on February 8, 1889, to be performed by the Commissioner of Agriculture.

(Mar. 2, 1889, ch. 373, 25 Stat. 840; July 14, 1890, ch. 707, 26 Stat. 288.)

#### CODIFICATION

Section was formerly classified to section 515 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

### § 2206. Custody of property and records

The Secretary of Agriculture shall have charge, in the building and premises appropriated to the department, of the library, furniture, fixtures, records, and other property appertaining to it, or acquired for use in its business.

(R.S. § 525; Feb. 9, 1889, ch. 122, §§ 1, 4, 25 Stat. 659.)

#### CODIFICATION

R.S. § 525 derived from act May 15, 1862, ch. 72, § 3, 12 Stat. 387 and Res. Dec. 15, 1868, No. 1, 15 Stat. 343.

Section was formerly classified to section 516 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### CHANGE OF NAME

“Secretary of Agriculture” substituted in text for “Commissioner of Agriculture” pursuant to sections 1 and 4 of act Feb. 9, 1889, which are classified to section 2202 of this title. See, also, section 2205 of this title.

#### TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

### § 2206a. Conveyance of excess Federal personal property

Notwithstanding any other provision of law, the Secretary of Agriculture may—

(1) convey title to excess Federal personal property owned by the Department of Agriculture, with or without monetary compensation and for such purposes as are determined by the Secretary, to—

(A) any of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note));

(B) any Hispanic-serving institution (as defined in section 1059c(b) of title 20); and

(C) any college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University; and

(2) acquire from, exchange with, or dispose of personal property to other Federal departments and agencies without monetary compensation in furtherance of the purposes of this section.

(Pub. L. 104–127, title IX, § 923, Apr. 4, 1996, 110 Stat. 1195.)

#### REFERENCES IN TEXT

Act of August 30, 1890 (7 U.S.C. 321 et seq.), referred to in par. (1)(C), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§ 321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

### § 2207. Reports

The Secretary of Agriculture shall annually make a general report in writing of his acts to the President, in which he may recommend the publication of papers forming parts of or accompanying his report. He shall also make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it.

(R.S. §§ 528, 529; Feb. 9, 1889, ch. 122, §§ 1, 4, 25 Stat. 659; May 29, 1928, ch. 901, § 1(101), 45 Stat. 993; Aug. 30, 1954, ch. 1076, § 1(6), 68 Stat. 966.)

#### CODIFICATION

R.S. §§ 528 and 529 derived from the following acts: May 15, 1862, ch. 72, § 3, 12 Stat. 387; Mar. 2, 1867, § 1, 14 Stat. 440, 445.

Section was formerly classified to section 557 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### AMENDMENTS

1954—Act Aug. 30, 1954, struck out provision in first sentence which required that the annual report should contain an account of all moneys received and expended by the Secretary.

1928—Act May 29, 1928, struck out requirement that there be included a statement of expenditures from contingent appropriations.

#### CHANGE OF NAME

“Secretary of Agriculture” substituted in text for “Commissioner of Agriculture” pursuant to sections 1 and 4 of act Feb. 9, 1889, which are classified to section 2202 of this title. See, also, section 2205 of this title.

#### TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

#### UNAVAILABILITY OF DEPARTMENT FUNDS TO PRODUCE PART 2 OF ANNUAL REPORT

Pub. L. 103–111, title I, Oct. 21, 1993, 107 Stat. 1048, provided in part: “That hereafter, none of the funds avail-